

RESOLUTION AMENDING THAT CERTAIN RESOLUTION ADOPTED AUG. 13, 1964 ENTITLED: "RESOLUTION AUTHORIZING THE ISSUANCE OF CERTAIN PROJECT TEMPORARY LOAN NOTES IN CONNECTION WITH URBAN RENEWAL PROJECT NO. MASS. R-77 AND PROVIDING FOR THE SECURITY FOR THE PAYMENT THEREOF, AND FOR OTHER PURPOSES."

BE IT RESOLVED by the Members of the Boston Redevelopment Authority

That its resolution adopted on August 13, 1964 as thereafter amended authorizing the issuance of certain project temporary loan notes in connection with Project No. Mass. R-77 and providing for the security for payment thereof, and for other purposes, be and the same hereby is further amended as follows:

1. By deleting from Section 1 the amount Twenty-Two Million, Thirty-Six Thousand, Two Hundred and 00/100 (Dollars \$22,036,200.) and inserting in lieu thereof the amount Thirty-Four Million, Five Hundred Eighty-Seven Thousand, Six Hundred Thirteen (Dollars \$34,587,613).

2. By deleting Sections 2 and 3 and inserting in lieu thereof the following:

"Section 2. That each such note shall be designated "Project Temporary Loan Note"; shall be payable, as to the principal thereof together with the interest thereon, upon demand, but solely from the Project Temporary Loan Repayment Fund hereinafter mentioned and not otherwise; shall be payable at the principal office of the Local Public Agency in any coin or currency of the United States of America which, on the date of the payment of the principal thereof and the interest theron, is legal tender for the payment of public and private debts; shall be payable to the United States of America or order; shall be signed in the name of the Local Public Agency by the Chairman, Vice Chairman or Treasurer ; shall have the official seal of the Local Public Agency impressed thereon and attested by the Secretary or Assistant Secretary ; and shall bear interest at the rate or rates as follows:

During the period from the date of the acceptance of delivery of and payment for each such Note through June 30 /December 31¹⁹ (herein called the "Initial Interest Period"), said principal sum shall bear interest on the unpaid amount thereof at the rate of Six per centum (6 %) per annum. From and after said date each such Note shall bear interest on the unpaid principal amount thereof at a redetermined rate (to be duly noted on behalf of the United States of America on the reverse thereof), which shall be initially determined and become effective on the date immediately following the expiration of the expiration of the Initial Interest Period and shall be successively redetermined at 6-month intervals thereafter on January 1 and July 1 of each year; and each such

redetermined rate shall become effective, with respect to payments unrepaid on the date immediately preceding the effective date of such redetermined rate, in accordance with the following formula: The redetermined rate shall not exceed six per centum (6%) per annum, but otherwise shall be the higher of:

- (a) The "going Federal rate" determined pursuant to the provisions of Title I of the Housing Act of 1949, as amended, and effective on the effective date of such redetermined rate; or
- (b) A rate per annum equal to the average yield to maturity on all outstanding obligations of the United States having a maturity of approximately five years from the May 1 or November 1, as the case may be, next preceding the effective date of such redetermined rate, as determined by the Secretary of Housing and Urban Development upon the advice of the Secretary of the Treasury, such average yield to be estimated on the basis of daily closing market bid quotations or prices for the month of May or November next preceding the effective date of such redetermined rate, and adjusted to the nearest 1/8 of 1 percent.

Section 3. That each Project Temporary Loan Note issued, including a statement of the delivery thereof to the Government, shall be in substantially the following form:

- (a) When such Project Temporary Loan Note supports a requisition for a direct Federal loan to finance the urban renewal or redevelopment project, such Note shall be in substantially the form of "Exhibit A" attached hereto and made a part hereof; Provided that each such Project Temporary Loan Note bearing a date subsequent to the expiration of the "Initial Interest Period" shall state on its face the applicable interest rate and shall define therein the term "Initial Interest Period" by use of a date which shall be the end of the pertinent six-month period, both as authorized and as required by this Resolution;
- (b) When such Project Temporary Loan Note is to be held by the Government in escrow in connection with the issuance of obligations of the Local Public Agency to aid in financing the aforementioned urban renewal or redevelopment project, such Note shall be in substantially the form of "Exhibit B" attached hereto and made a part hereof.

3. By deleting Section 4 and 5 and inserting in lieu thereof the following:

"Section 4. That there is hereby established a separate and special fund which is hereby designated the "Project Temporary Loan Repayment Fund; Project No. Mass. R-77", said Fund being elsewhere herein referred to as the "Project Temporary Loan Repayment Fund." Said

Fund shall be maintained in a bank or banks which are members of the Federal Deposit Insurance Corporation. The following moneys shall be deposited in the Project Temporary Loan Repayment Fund as and when such moneys are received by the Local Public Agency:

- (a) The proceeds of all sales of Project Land by the Local Public Agency, excluding such proceeds as may arise from the sale of Project Land after such Project Land has been leased;
- (b) All moneys constituting compensation by the Local Public Agency for Project Land which it retains instead of selling or leasing, excluding the moneys which may arise from the retention of Project Land after such Project Land has been leased;
- (c) All payments which are made by the Government to the Local Public Agency on account of the Project Capital Grant;
- (d) All moneys which may be provided by the Local Public Agency from sources other than the Government or from the proceeds of a Project Definitive Loan, if any, to compensate the Project Temporary Loan Repayment Fund for the fair value imputed to Project Land which is leased by the Local Public Agency rather than sold by it for cash;
- (e) All such Local Grants-in-Aid in the form of deficiency cash grants as, after the Gross Project Cost and the Net Project Cost have been determined and the payment of all costs comprising Item 1 of Gross Project Cost has been duly made or provided for and all other Local Grants-in-Aid applicable to the Project which have been provided have been determined, are provided with respect to the Project to meet the deficiency, if any, in Local Grants-in-Aid in connection with the Project;
- (f) All accrued interest, if any, which is paid to the Local Public Agency on Project Temporary Loan Notes at the time when the Government takes up and pays for such Project Temporary Loan Notes;
- (g) All income derived from the investment of moneys deposited in the Project Temporary Loan Repayment Fund; and
- (h) The unexpended balance, if any, remaining or belonging in the Project Expenditures Account after all costs constituting Item I of Gross Project Cost have been paid."

4. By deleting from Section 6 the phrases "after provision therefor for only the costs mentioned in section 5 hereof," and "subject only to provision as aforesaid".

5. By deleting from Section 10 the phrase "Provided, That the Project shall not include the construction or improvement of any buildings contemplated by the Plan for the renewal or redevelopment of the Project Area," and inserting in lieu thereof the following: "and the carrying out of plans for a program of code enforcement in the Project Area."

6. That this Resolution shall take effect on the effective date of the Third Amending Contract Amending Loan and Grant Contract No. Mass. R-77 (LG).